

DOCKET NO. 2002.02.002.WT0
Customer No. 23990

PATENT 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : SUDHINDRA P. HERLE, ET AL.
Serial No. : 10/035,800
Filed : December 28, 2001
For : SYSTEM AND METHOD FOR ENSURING INTEGRITY
OF DATA-DRIVEN USER INTERFACE OF A WIRELESS
MOBILE STATION
Group No. : 2174
Examiner : Ryan F. Pitaro



MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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2. Appellants' Brief on Appeal;
3. A check in the amount of \$500.00 for Brief Fee; and
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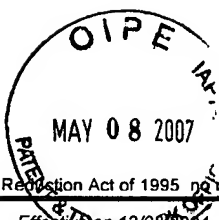
Date: May 4, 2007

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FEE TRANSMITTAL

For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

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Application Number	10/035,800
Filing Date	December 28, 2001
First Named Inventor	Sudhindra P. Herle, et al.
Examiner Name	Ryan F. Pitaro
Art Unit	2174
Attorney Docket No.	2002.02.002.WT0

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0208 Deposit Account Name: Munck Butrus, P.C.

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☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ - 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Appeal Brief

Fees Paid (\$)

\$500.00

SUBMITTED BY

Signature	<u>John T. Mockler</u>	Registration No. (Attorney/Agent)	39,775	Telephone	972-628-3600
Name (Print/Type)	John T. Mockler	Date	4 May 2007		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sir:

APPELLANTS' BRIEF ON APPEAL

Applicant respectfully submits that the Examiner's decision of October 17, 2006, finally rejecting Claims 1, 2, 5-9, 12-15 and 17-22 in the present application, should be reversed, in view of the following arguments and authorities. This Appeal Brief is submitted on behalf of Appellants for the above-identified application. A Notice of Appeal was filed on February 9, 2007, and received in the Patent Office on February 12, 2007. A Pre-Appeal Brief Request for Review was filed along with the Notice of Appeal. A Pre-Appeal Brief conference determined that there is at least one actual issue for appeal and the application remains under appeal.

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U.S. SERIAL NO. 10/035,800
PATENT

REAL PARTY IN INTEREST

The real party in interest for this appeal is the assignee of the application, Samsung Electronics Co., Ltd.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences related to the present application that are currently pending

STATUS OF CLAIMS

Claims 1-16 were originally filed in the application. Claims 3, 4, 10, 11 and 16 were cancelled and Claims 17-22 added by amendment. Claims 1, 2, 5-9, 12-15 and 17-22 remain pending in the application. Claims 1, 2, 5-9, 12-15 and 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,509,913 to *Martin, Jr., et al.* in view of U.S. Patent No. 6,324,693 to *Brodersen, et al.* in view of U.S. Patent No. 6,544,295 to *Bodnar*. Claims 1, 2, 5-9, 12-15 and 17-22 are presented for appeal. A copy of all pending claims is provided in Appendix A.

STATUS OF AMENDMENTS

In a Reply under 37 C.F.R. § 1.116 filed December 13, 2006, Claim 1 was amended to correct a typographical error. In the Advisory Action mailed January 16, 2007, the Examiner entered the amendments to Claim 1.

SUMMARY OF CLAIMED SUBJECT MATTER

Regarding Claim 1, a wireless communication device includes a main controller and a memory. *Specification, Figure 2, page 14, lines 9-19.* The main controller is capable of executing a basic operating system application program. *Specification, page 16, lines 16-19.* The operating system application program operates communication functions of the wireless communication device and controls a first graphical user interface (GUI) for interacting with a user. *Specification, page 6, lines 15-19.* The memory is coupled to the main controller and is capable of storing first and second GUI configuration files. *Specification, Figure 2, page 17, lines 14-17.* The first and second GUI configuration files contain, respectively, first and second GUI parameter data. *Specification, Figure 3, page 18, lines 9-20.* Each GUI parameter data includes a plurality of text names; a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with the first and second graphical user interfaces; and a text name checksum value calculated from only the plurality of text names. *Specification, Figure 3, page 18, lines 9-20.* The main controller is operable to validate the second GUI parameter data by comparing the first text name checksum value contained in the first GUI configuration file with the second text name checksum value contained in the second GUI configuration file. *Specification, page 28, lines 1-7.*

Regarding Claim 8, a method of validating data associated with a second graphical user interface (GUI) includes retrieving a first text name checksum value stored in a first GUI configuration file in a memory in a wireless communication device, retrieving a second text name checksum value stored in a second GUI configuration file in the memory, and comparing the first

text name checksum value with the second text name checksum value. *Specification, Figure 7, page 29, lines 3-8.* Each GUI configuration file contains GUI parameter data that includes a plurality of text names; a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with the first and second graphical user interfaces; and the text name checksum value, which is calculated from only the plurality of text names. *Specification, Figure 3, page 18, lines 9-20.*

Regarding Claim 15, a graphical user interface (GUI) configuration file contains GUI parameter data and text name checksum value. The GUI parameter data includes a plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with said graphical user interface. The text name checksum value is calculated from only the plurality of text names. *Specification, Figure 3, page 18, lines 9-20.*

GROUND OF REJECTION TO BE REVIEWED UPON APPEAL

1. Claims 1, 2, 5-9, 12-15 and 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,509,913 to *Martin, Jr., et al.* in view of U.S. Patent No. 6,324,693 to *Brodersen, et al.* in view of U.S. Patent No. 6,544,295 to *Bodnar*.

ARGUMENT

I. GROUND OF REJECTION #1 (§ 102 REJECTION)

The rejection of Claims 1, 2, 5-9, 12-15 and 17-22 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

A. OVERVIEW

Claims 1, 2, 5-9, 12-15 and 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,509,913 to *Martin, Jr., et al.*, (hereinafter, “Martin”) in view of U.S. Patent No. 6,324,693 to *Brodersen, et al.*, (hereinafter, “Brodersen”), in view of U.S. Patent No. 6,544,295 to *Bodnar*, (hereinafter, “Bodnar”).

B. STANDARD

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. *MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (*Fed. Cir.* 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. *MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (*Fed. Cir.* 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (*Fed. Cir.* 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. *MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444

(*Fed. Cir. 1992*); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (*Fed. Cir. 1993*).

If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (*Fed. Cir. 1992*); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (*Fed. Cir. 1985*).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (*Fed. Cir. 1993*). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. *MPEP* § 2142.

In order to establish obviousness by combining references there must be some teaching or suggestion in the prior art to combine the references. *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957, 43 U.S.P.Q.2d 1294, 1297 (*Fed.Cir. 1997*) ("It is insufficient to establish obviousness that the separate elements of an invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the references."); *In re Rouffet*, 149 F.3d 1350, 1355-56,

47 U.S.P.Q.2d 1453, 1456 (Fed.Cir. 1998) (“When a rejection depends on a combination of prior art references, there must be some teaching, or motivation to combine the references.”).

Evidence of a motivation to combine prior art references must be clear and particular if the trap of “hindsight” is to be avoided. *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999) (Evidence of a suggestion, teaching or motivation to combine prior art references must be “clear and particular.” “Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’”). *In re Roufett*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457 (Fed.Cir. 1998) (“[R]ejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’”)

C. THE MARTIN REFERENCE

Martin describes a remote wireless computing device with a display for displaying screens or pages of information. *See Martin*, col. 4, lines 39-40. The configuration of the screens displayed may be determined by screen configuration information in a configuration file downloaded to the device by a controller within a network gateway. *See Martin*, col. 5, lines 30-38. Figure 2B, a diagram of a representative screen, shows the screen broken into eight areas, identified by reference characters C1-C8. The areas are described as a plurality of components that together form the configured screen. *See Martin*, col. 6, lines 8-10. The screen configuration information determines

and arranges the components, for example their location and contents. *See Martin, col. 6, lines 11-17.*

D. THE BRODERSEN REFERENCE

Brodersen describes a method for providing updates to a network of partially replicated relational database systems. *See Brodersen, col. 1, lines 16-18.* On occasion, both the database schema and the software used to access the database may change. *See Brodersen, col. 17, lines 27-29.* A system administrator may apply this upgrade to the central database and server. *See Brodersen, col. 17, lines 37-41.* The next time a remote user connects to the central server, he receives database upgrade files to upgrade his partial replica of the database. *See Brodersen, col. 17, lines 42-47.* At the same time, the *Brodersen* system will compare a checksum in the database upgrade files with a checksum in the remote user's configuration file to determine whether the remote user's software must be upgraded, as well. *See Brodersen, col. 17, lines 52-57.*

E. THE BODNAR REFERENCE

Bodnar describes a system for determining whether content of interest to a user has changed in an Internet site. *Bodnar, col. 19, lines 9-12.* Rather than storing a prior version of the site, the system uses a site checksum to detect changed content. *Bodnar, col. 19, lines 23-26.* Because an HTML text file contains both content text and markup text, the system checksums only the content text and not the markup text. *Bodnar, col. 19, lines 41-47.* The method of calculating a checksum

jumps from tag to tag in the HTML file, summing only the content text and not the tag (markup) text.

Bodnar, col. 25, lines 50-56.

F. CLAIM 1

Claim 1 recites a wireless communication device comprising:

- a main controller capable of executing a basic operating system application program that operates communication functions of said wireless communication device and that controls a first graphical user interface (GUI) for interacting with a user;

- a memory, within the wireless communication device, coupled to said main controller, capable of storing a first GUI configuration file and a second GUI configuration file; wherein

- said first GUI configuration file contains first GUI parameter data comprising

- a first plurality of text names and,

- a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with said first graphical user interface, and

- a first text name checksum value calculated from only said first plurality of text names, and

- said second GUI configuration file contains second GUI parameter data comprising

- a second plurality of text names and,

- a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface, and

- a second text name checksum value calculated from only said second plurality of text names; and

- wherein said main controller is operable to validate said second GUI parameter data by comparing said first text name checksum value contained in said first GUI configuration file with said second text name checksum value contained in said second GUI configuration file.

First, Examiner Pitaro asserts that the Martin reference teaches first and second GUI files containing text names, citing column 6, lines 18-27. The Applicants respectfully submit that the Examiner mischaracterizes the teaching of Martin.

The Martin reference uses reference characters **C1-C8** to refer to man-machine interface (MMI) components in Figure 2B and Table 1. Several facts about the drafting of the reference indicate that the appellations **C1-C8** are reference characters, rather than data in the screen configuration information. First, the draftsman of the Martin reference consistently uses bold type to set reference characters apart from the remainder of the text of the specification. For example, in the paragraph at column 6, lines 5-27, bold text is consistently used only for the reference characters **218**, **250** and **C1-C8**. Second, the draftsman always follows a reference to an element with the element's reference character. For example, several examples may be found in lines 55-67 of column 6: "the screen **250**", "the network gateway **208**", "the first component **C1**", and "the third component **C3**". This pattern of usage continues throughout the text describing Figure 2B. Thus, it is clear from the text of the Martin reference that the identifiers **C1-C8** are reference characters, and not text names in the screen configuration information, as asserted by Examiner Pitaro.

Martin contains no teaching of how MMI components are identified in the screen configuration information. Many other aspects of the screen configuration information are described, but there is no teaching that it includes a first plurality of text names and a corresponding plurality of data elements, as recited in Claim 1.

In the Advisory Action, mailed January 16, 2007, Examiner Pitaro argues that “C1-C8 are merely generic names given to components,” then argues that “[e]ach of these reference characters represent text names since without a name the component cannot be identified.” *Continuation Sheet, first paragraph. Emphasis added.* The Appellants respectfully submit that the Examiner is factually incorrect in asserting that without a name a component cannot be identified. Items stored in an array are typically identified by a numeric identifier. Items in a list are typically identified by an ordinal identifier: first, second, third, etc. Indeed, this is how Martin identifies the components in a screen configuration file: “first component C1,” “third component C3,” and “fourth component C4.” *Martin, col. 6, lines 55-67.*

The Examiner further argues in the Advisory Action that “Martin even goes so far as giving a user the option to use alias names as pointed out in column 8 lines 33-65.” *Continuation Sheet, first paragraph.* The Appellants submit that the Examiner again mischaracterizes the teaching of Martin. The cited passage states “[a] configuration file can include screen configuration information that is used to update an alias table” which is stored in local memory of a remote wireless computing device. *Martin, col. 8, lines 33-41.* That is, Martin does not describe using alias names in a GUI configuration file, but rather in a memory structure updated from a GUI configuration file.

Second, Examiner Pitaro acknowledges that Martin and Broderson do not describe calculating a checksum from only a plurality of text names, but asserts that Bodnar describes such a calculation. The Examiner mischaracterizes the teaching of Bodnar. Bodnar describes a method of calculating a checksum that jumps from tag to tag in an HTML file, summing only the content text

and not the tag text. *Bodnar*, col. 25, lines 50-56. Thus, Bodnar describes calculating a checksum from only content text data, not from only the tag text identifiers. In fact, Bodnar describes the benefit of not checksumming the tags, thereby actually teaching away from calculating a checksum from only a plurality of text names.

As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 1. For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 1 under § 103 be withdrawn and that Claim 1 be passed to allowance.

G. CLAIM 2

Claim 2 recites the wireless communication device of Claim 1, wherein the main controller replaces at least a portion of the first GUI parameter data with the second GUI parameter data in response to a determination that the first and second text name checksum values are equal.

As Claim 2 depends from Claim 1, the arguments above with regard to the patentability of Claim 1 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by reference.

Examiner Pitaro asserts that the combination of Martin, Broderon and Bodnar describes a main controller that replaces at least a portion of first GUI parameter data with second GUI parameter data in response to a determination that first and second text name checksum values are equal, citing Broderon, column 18, lines 54-60. The cited passage is reproduced below:

```
Open User Log Txn file
-- Select and process new txns in S_DOCK_TRANSACTION_LOG
-- where txn_commit_number > last_txn_commit_number
FOR each new txn LOOP
    -- Stop processing if reach MaxTxns
    IF NumTxns = MaxTxns THEN
        break;
    END IF;
```

The Appellants are unable to find in the cited passage a description of a main controller that replaces at least a portion of first GUI parameter data with second GUI parameter data in response to a determination that first and second text name checksum values are equal, as recited in Claim 2. As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 2.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 2 under § 103 be withdrawn and that Claim 2 be passed to allowance.

H. CLAIM 5

Claim 5 recites the wireless communication device of Claim 2, wherein the first GUI configuration file is a system default GUI configuration file.

As Claim 5 depends from Claim 2, the arguments above with regard to the patentability of Claim 2 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by reference.

Examiner Pitaro asserts that the combination of Martin, Broderson and Bodnar describes a wireless communication device having a memory that is capable of storing first and second GUI configuration files, where the first GUI configuration file is a system default GUI configuration file, citing Martin, column 7, lines 19-29.

Each of the components associated with a screen to be displayed can have an associated URL (or URI). Default MMI components are used, for example, a default URL (or URI) stored in local memory 224 in the remote computing device 216. In one embodiment of the invention, the default MMI components would have a URL (or URI) that begins with "internal", for example, to indicate the associated MMI component belongs to the set of default MMI components. Other MMI components can use external resources that are identified by URLs (or URIs) designating remote locations.

The Appellants submit that the cited passage actually describes screen configuration information that may include either or both of locally stored default components and components defined by external resources. Thus, the cited passage does not describe a default file of screen configuration information, but rather a local memory that may store default components for use in a screen configuration information file. As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 5.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 5 under § 103 be withdrawn and that Claim 5 be passed to allowance.

I. CLAIM 6

Claim 6 recites the wireless communication device of Claim 2, wherein the wireless communication device is a cellular telephone handset.

As Claim 6 depends from Claim 2, the arguments above with regard to the patentability of Claim 2 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderson or Bodnar teaches a cellular telephone handset in the context of Claim 2.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 6 under § 103 be withdrawn and that Claim 6 be passed to allowance.

J. CLAIM 7

Claim 7 recites the wireless communication device of Claim 2, wherein the wireless communication device is a personal digital assistant device.

As Claim 7 depends from Claim 2, the arguments above with regard to the patentability of Claim 2 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderson or Bodnar teaches a personal digital assistant device in the context of Claim 2.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 7 under § 103 be withdrawn and that Claim 7 be passed to allowance.

K. CLAIM 8

Claim 8 recites a method of validating data associated with a second graphical user interface for use in a wireless communication device comprising a main controller that controls a first graphical user interface (GUI) for interacting with a user, the method comprising:

- retrieving a first text name checksum value stored in a first GUI configuration file in a memory in the wireless communication device, the first GUI configuration file containing first GUI parameter data comprising a first plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with the first graphical user interface, wherein the first text name checksum value is calculated using only the first plurality of text names;

- retrieving a second text name checksum value stored in a second GUI configuration file in the memory, the second GUI configuration file containing second GUI parameter data comprising a second plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface, wherein the second text name checksum value is calculated using only the second plurality of text names; and

- comparing the first text name checksum value with the second text name checksum value.

Examiner Pitaro asserts that Claim 8 is similar in scope to Claim 1 and therefore rejects Claim 8 under a similar rationale.

First, Examiner Pitaro asserts that the Martin reference teaches first and second GUI files containing text names, citing column 6, lines 18-27. The Applicants respectfully submit that the Examiner mischaracterizes the teaching of Martin.

The Martin reference uses reference characters **C1-C8** to refer to man-machine interface (MMI) components in Figure 2B and Table 1. Several facts about the drafting of the reference indicate that the appellations **C1-C8** are reference characters, rather than data in the screen configuration information. First, the draftsman of the Martin reference consistently uses bold type to set reference characters apart from the remainder of the text of the specification. For example, in the paragraph at column 6, lines 5-27, bold text is consistently used only for the reference characters **218**, **250** and **C1-C8**. Second, the draftsman always follows a reference to an element with the element's reference character. For example, several examples may be found in lines 55-67 of column 6: "the screen **250**", "the network gateway **208**", "the first component **C1**", and "the third component **C3**". This pattern of usage continues throughout the text describing Figure 2B. Thus, it is clear from the text of the Martin reference that the identifiers **C1-C8** are reference characters, and not text names in the screen configuration information, as asserted by Examiner Pitaro.

Martin contains no teaching of how MMI components are identified in the screen configuration information. Many other aspects of the screen configuration information are described, but there is no teaching that it includes a first plurality of text names and a corresponding plurality of data elements, as recited in Claim 8.

In the Advisory Action, mailed January 16, 2007, Examiner Pitaro argues that “C1-C8 are merely generic names given to components,” then argues that “[e]ach of these reference characters represent text names since without a name the component cannot be identified.” *Continuation Sheet, first paragraph. Emphasis added.* The Appellants respectfully submit that the Examiner is factually incorrect in asserting that without a name a component cannot be identified. Items stored in an array are typically identified by a numeric identifier. Items in a list are typically identified by an ordinal identifier: first, second, third, etc. Indeed, this is how Martin identifies the components in a screen configuration file: “first component C1,” “third component C3,” and “fourth component C4.” *Martin, col. 6, lines 55-67.*

The Examiner further argues in the Advisory Action that “Martin even goes so far as giving a user the option to use alias names as pointed out in column 8 lines 33-65.” *Continuation Sheet, first paragraph.* The Appellants submit that the Examiner again mischaracterizes the teaching of Martin. The cited passage states “[a] configuration file can include screen configuration information that is used to update an alias table” which is stored in local memory of a remote wireless computing device. *Martin, col. 8, lines 33-41.* That is, Martin does not describe using alias names in a GUI configuration file, but rather in a memory structure updated from a GUI configuration file.

Second, Examiner Pitaro acknowledges that Martin and Broderson do not describe calculating a checksum from only a plurality of text names, but asserts that Bodnar describes such a calculation. The Examiner mischaracterizes the teaching of Bodnar. Bodnar describes a method of calculating a checksum that jumps from tag to tag in an HTML file, summing only the content text

and not the tag text. *Bodnar*, col. 25, lines 50-56. Thus, Bodnar describes calculating a checksum from only content text data, not from only the tag text identifiers. In fact, Bodnar describes the benefit of not checksumming the tags, thereby actually teaching away from calculating a checksum from only a plurality of text names.

As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 8. For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 8 under § 103 be withdrawn and that Claim 8 be passed to allowance.

L. CLAIM 9

Claim 9 recites the method of Claim 8, further comprising the step of replacing at least a portion of the first GUI parameter data with the second GUI parameter data in response to a determination that the first and second text name checksum values are equal.

As Claim 9 depends from Claim 8, the arguments above with regard to the patentability of Claim 8 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference.

Examiner Pitaro asserts that Claim 9 is similar in scope to Claim 2 and therefore rejects Claim 9 under a similar rationale. In the rejection of Claim 2, Examiner Pitaro asserts that the combination of Martin, Broderson and Bodnar describes replacing at least a portion of first GUI parameter data with second GUI parameter data in response to a determination that first and second

text name checksum values are equal, citing Broderson, column 18, lines 54-60. The cited passage is reproduced below:

```
Open User Log Txn file
-- Select and process new txns in S_DOCK_TRANSACTION_LOG
-- where txn_commit_number > last_txn_commit_number
FOR each new txn LOOP
    -- Stop processing if reach MaxTxns
    IF NumTxns = MaxTxns THEN
        break;
    END IF;
```

The Appellants are unable to find in the cited passage a description of a step of replacing at least a portion of first GUI parameter data with second GUI parameter data in response to a determination that first and second text name checksum values are equal, as recited in Claim 9. As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 9.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 9 under § 103 be withdrawn and that Claim 9 be passed to allowance.

M. CLAIM 12

Claim 12 recites the method of Claim 9, wherein the first GUI configuration file is a system default GUI configuration file.

As Claim 12 depends from Claim 9, the arguments above with regard to the patentability of Claim 9 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference.

Examiner Pitaro asserts that Claim 12 is similar in scope to Claim 5 and therefore rejects Claim 12 under a similar rationale. In the rejection of Claim 5, Examiner Pitaro argues that the combination of Martin, Broderson and Bodnar describes a wireless communication device having a memory that is capable of storing first and second GUI configuration files, where the first GUI configuration file is a system default GUI configuration file, citing Martin, column 7, lines 19-29.

Each of the components associated with a screen to be displayed can have an associated URL (or URI). Default MMI components are used, for example, a default URL (or URI) stored in local memory 224 in the remote computing device 216. In one embodiment of the invention, the default MMI components would have a URL (or URI) that begins with "internal", for example, to indicate the associated MMI component belongs to the set of default MMI components. Other MMI components can use external resources that are identified by URLs (or URIs) designating remote locations.

The Appellants submit that the cited passage actually describes screen configuration information that may include either or both of locally stored default components and components defined by external resources. Thus, the cited passage does not describe a default file of screen configuration information, but rather a local memory that may store default components for use in a screen configuration information file. As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 12.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 12 under § 103 be withdrawn and that Claim 12 be passed to allowance.

N. CLAIM 13

Claim 13 recites the method of Claim 9, wherein the wireless communication device is a cellular telephone handset.

As Claim 13 depends from Claim 9, the arguments above with regard to the patentability of Claim 9 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderson or Bodnar teaches a cellular telephone handset in the context of Claim 9.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 13 under § 103 be withdrawn and that Claim 13 be passed to allowance.

O. CLAIM 14

Claim 14 recites the method of Claim 9, wherein the wireless communication device is a personal digital assistant device.

As Claim 14 depends from Claim 9, the arguments above with regard to the patentability of Claim 9 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderson or Bodnar teaches a personal digital assistant device in the context of Claim 9.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 14 under § 103 be withdrawn and that Claim 14 be passed to allowance.

P. CLAIM 15

Claim 15 recites a graphical user interface (GUI) configuration file suitable for storing in a memory in a wireless communication device comprising a main controller that controls a graphical user interface (GUI) for interacting with a user, the GUI configuration file containing 1) GUI parameter data comprising a plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with said graphical user interface, and 2) a text name checksum value associated with said GUI configuration file calculated from only said plurality of text names.

Examiner Pitaro asserts that Claim 15 is similar in scope to Claim 1 and therefore rejects Claim 25 under a similar rationale.

First, Examiner Pitaro asserts that the Martin reference teaches a GUI file containing text names, citing column 6, lines 18-27. The Applicants respectfully submit that the Examiner mischaracterizes the teaching of Martin.

The Martin reference uses reference characters C1-C8 to refer to man-machine interface (MMI) components in Figure 2B and Table 1. Several facts about the drafting of the reference indicate that the appellations C1-C8 are reference characters, rather than data in the screen

configuration information. First, the draftsman of the Martin reference consistently uses bold type to set reference characters apart from the remainder of the text of the specification. For example, in the paragraph at column 6, lines 5-27, bold text is consistently used only for the reference characters **218**, **250** and **C1-C8**. Second, the draftsman always follows a reference to an element with the element's reference character. For example, several examples may be found in lines 55-67 of column 6: "the screen **250**", "the network gateway **208**", "the first component **C1**", and "the third component **C3**". This pattern of usage continues throughout the text describing Figure 2B. Thus, it is clear from the text of the Martin reference that the identifiers **C1-C8** are reference characters, and not text names in the screen configuration information, as asserted by Examiner Pitaro.

Martin contains no teaching of how MMI components are identified in the screen configuration information. Many other aspects of the screen configuration information are described, but there is no teaching that it includes a first plurality of text names and a corresponding plurality of data elements, as recited in Claim 15.

In the Advisory Action, mailed January 16, 2007, Examiner Pitaro argues that "C1-C8 are merely generic names given to components," then argues that "[e]ach of these reference characters represent text names since without a name the component cannot be identified." *Continuation Sheet, first paragraph. Emphasis added.* The Appellants respectfully submit that the Examiner is factually incorrect in asserting that without a name a component cannot be identified. Items stored in an array are typically identified by a numeric identifier. Items in a list are typically identified by an ordinal identifier: first, second, third, etc. Indeed, this is how Martin identifies the components in a screen

configuration file: “first component C1,” “third component C3,” and “fourth component C4.”

Martin, col. 6, lines 55-67.

The Examiner further argues in the Advisory Action that “Martin even goes so far as giving a user the option to use alias names as pointed out in column 8 lines 33-65.” *Continuation Sheet, first paragraph*. The Appellants submit that the Examiner again mischaracterizes the teaching of Martin.

The cited passage states “[a] configuration file can include screen configuration information that is used to update an alias table” which is stored in local memory of a remote wireless computing device. *Martin, col. 8, lines 33-41*. That is, Martin does not describe using alias names in a GUI configuration file, but rather in a memory structure updated from a GUI configuration file.

Second, Examiner Pitaro acknowledges that Martin and Broderson do not describe calculating a checksum from only a plurality of text names, but asserts that Bodnar describes such a calculation. The Examiner mischaracterizes the teaching of Bodnar. Bodnar describes a method of calculating a checksum that jumps from tag to tag in an HTML file, summing only the content text and not the tag text. *Bodnar, col. 25, lines 50-56*. Thus, Bodnar describes calculating a checksum from only content text data, not from only the tag text identifiers. In fact, Bodnar describes the benefit of not checksumming the tags, thereby actually teaching away from calculating a checksum from only a plurality of text names.

As such, Examiner Pitaro has not shown that the cited references teach or suggest all the limitations of Claim 15. For these reasons, the Examiner has failed to establish a *prima facie* case of

obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 15 under § 103 be withdrawn and that Claim 15 be passed to allowance.

Q. CLAIM 17

Claim 17 recites the wireless communication device of Claim 2, wherein the second GUI configuration file is a service provider GUI configuration file.

As Claim 17 depends from Claim 2, the arguments above with regard to the patentability of Claim 2 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderon or Bodnar teaches a service provider GUI configuration file in the context of Claim 2.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 17 under § 103 be withdrawn and that Claim 17 be passed to allowance.

R. CLAIM 18

Claim 18 recites the wireless communication device of Claim 17, wherein the second GUI configuration file is downloaded to the wireless communication device.

As Claim 18 depends from Claim 17, the arguments above with regard to the patentability of Claim 17 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by

reference. Furthermore, nothing in Martin, Broderson or Bodnar teaches a service provider GUI configuration file downloaded to a wireless communication device in the context of Claim 17.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 18 under § 103 be withdrawn and that Claim 18 be passed to allowance.

S. CLAIM 19

Claim 19 recites the method of Claim 9, wherein the second GUI configuration file is a service provider GUI configuration file.

As Claim 19 depends from Claim 9, the arguments above with regard to the patentability of Claim 9 over Martin, Broderson and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderson or Bodnar teaches a service provider GUI configuration file in the context of Claim 9.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 19 under § 103 be withdrawn and that Claim 19 be passed to allowance.

T. CLAIM 20

Claim 20 recites the method of Claim 19, wherein the second GUI configuration file is downloaded to the wireless communication device.

As Claim 20 depends from Claim 19, the arguments above with regard to the patentability of Claim 19 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderon or Bodnar teaches a service provider GUI configuration file downloaded to a wireless communication device in the context of Claim 19.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 20 under § 103 be withdrawn and that Claim 20 be passed to allowance.

U. CLAIM 21

Claim 21 recites the GUI configuration file of Claim 15, wherein the GUI configuration file is a system default GUI configuration file.

As Claim 21 depends from Claim 15, the arguments above with regard to the patentability of Claim 15 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by reference.

In rejecting Claim 21, Examiner Pitaro asserts that Claim 21 is similar in scope to Claim 17 and rejects Claim 21 under a similar rationale. The Appellants submit that the Examiner mischaracterizes the language of Claim 21. Claim 21 recites a system default GUI configuration file suitable for storing in a memory in a wireless communication device. Claim 17, in contrast, recites a wireless communication device having a memory capable of storing a service provider GUI

configuration file. As such, the rationale for rejecting Claim 17 does not address the limitations recited in Claim 21.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 21 under § 103 be withdrawn and that Claim 21 be passed to allowance.

V. CLAIM 22

Claim 22 recites the GUI configuration file of Claim 15, wherein the GUI configuration file is a service provider GUI configuration file.

As Claim 22 depends from Claim 15, the arguments above with regard to the patentability of Claim 15 over Martin, Broderon and Bodnar apply here as well, and are incorporated herein by reference. Furthermore, nothing in Martin, Broderon or Bodnar teaches a service provider GUI configuration file in the context of Claim 15.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness. Accordingly, the Appellants respectfully request that the final rejection of Claim 22 under § 103 be withdrawn and that Claim 22 be passed to allowance.

SUMMARY

For the reasons given above, the Appellants respectfully request reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Appellants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

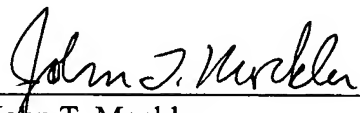
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 4 May 2007

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APPENDIX A
CLAIMS APPENDIX

The status of the claims is as follows:

1. (Previously Presented) A wireless communication device comprising:
 - a main controller capable of executing a basic operating system application program that operates communication functions of said wireless communication device and that controls a first graphical user interface (GUI) for interacting with a user;
 - a memory, within the wireless communication device, coupled to said main controller, capable of storing a first GUI configuration file and a second GUI configuration file; wherein
 - said first GUI configuration file contains first GUI parameter data comprising
 - a first plurality of text names and,
 - a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with said first graphical user interface, and
 - a first text name checksum value calculated from only said first plurality of text names, and
 - said second GUI configuration file contains second GUI parameter data comprising
 - a second plurality of text names and,
 - a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface, and
 - a second text name checksum value calculated from only said second plurality of text names;
- and

wherein said main controller is operable to validate said second GUI parameter data by comparing said first text name checksum value contained in said first GUI configuration file with said second text name checksum value contained in said second GUI configuration file.

2. (Original) The wireless communication device as set forth in Claim 1 wherein said main controller replaces at least a portion of said first GUI parameter data with said second GUI parameter data in response to a determination that said first and second text name checksum values are equal.

3. (Cancelled)

4. (Cancelled)

5. (Original) The wireless communication device as set forth in Claim 2 wherein said first GUI configuration file is a system default GUI configuration file.

6. (Original) The wireless communication device as set forth in Claim 2 wherein said wireless communication device is a cellular telephone handset.

7. (Original) The wireless communication device as set forth in Claim 2 wherein said wireless communication device is a personal digital assistant (PDA) device.

8. (Previously Presented) For use in a wireless communication device comprising a main controller that controls a first graphical user interface (GUI) for interacting with a user, a method of validating data associated with a second graphical user interface comprising the steps of:

retrieving a first text name checksum value stored in a first GUI configuration file in a memory in the wireless communication device, the first GUI configuration file containing first GUI parameter data comprising a first plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with the first graphical user interface, wherein the first text name checksum value is calculated using only the first plurality of text names;

retrieving a second text name checksum value stored in a second GUI configuration file in the memory, the second GUI configuration file containing second GUI parameter data comprising a second plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface, wherein the second text name checksum value is calculated using only the second plurality of text names; and

comparing the first text name checksum value with the second text name checksum value.

9. (Original) The method as set forth in Claim 8 further comprising the step of replacing at least a portion of the first GUI parameter data with the second GUI parameter data in response to a determination that the first and second text name checksum values are equal.

10. (Cancelled)

11. (Cancelled)

12. (Original) The method as set forth in Claim 9 wherein the first GUI configuration file is a system default GUI configuration file.

13. (Original) The method as set forth in Claim 9 wherein the wireless communication device is a cellular telephone handset.

14. (Original) The method as set forth in Claim 9 wherein the wireless communication device is a personal digital assistant (PDA) device.

15. (Previously Presented) A graphical user interface (GUI) configuration file suitable for storing in a memory in a wireless communication device comprising a main controller that controls a graphical user interface (GUI) for interacting with a user, said GUI configuration file containing 1) GUI parameter data comprising a plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with said graphical user interface, and 2) a text name checksum value associated with said GUI configuration file calculated from only said plurality of text names.

16. (Cancelled)

17. (Previously Presented) The wireless communication device as set forth in Claim 2 wherein said second GUI configuration file is a service provider GUI configuration file.

18. (Previously Presented) The wireless communication device as set forth in Claim 17 wherein said second GUI configuration file is downloaded to the wireless communication device.

19. (Previously Presented) The method as set forth in Claim 9 wherein the second GUI configuration file is a service provider GUI configuration file.

20. (Previously Presented) The method as set forth in Claim 19 wherein said second GUI configuration file is downloaded to the wireless communication device.

21. (Previously Presented) The GUI configuration file as set forth in Claim 15, wherein the GUI configuration file is a system default GUI configuration file.

22. (Previously Presented) The GUI configuration file as set forth in Claim 15, wherein the GUI configuration file is a service provider GUI configuration file.



APPENDIX B

EVIDENCE APPENDIX

None. No evidence has been submitted pursuant to 37 CFR 1.130, 1.131, or 1.132, nor is there any other evidence entered by the examiner and relied upon by appellant in the appeal.



APPENDIX C

RELATED PROCEEDINGS APPENDIX

None. To the best knowledge and belief of the undersigned attorney, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to 37 CFR 41.37(c)(1)(ii)..